

Assembly Bill No. 1544

CHAPTER 401

An act to add Section 4004 to the Elections Code, relating to elections.

[Approved by Governor September 16, 2003. Filed
with Secretary of State September 17, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1544, Simitian. Elections.

Under existing law, local, special, and consolidated elections may be conducted wholly by mail if the local agency's governing board so authorizes, the election is not on the same date as a statewide direct primary or general election, and one of certain other situations is satisfied. One of these situations is that the election be one in which there are no more than 1,000 registered, eligible voters.

This bill would permit a small city with a population of 100,000 or less, and an eligible entity, as defined, to conduct an election therein wholly by all-mail ballot, subject to certain conditions, including that the election is a special election to fill a vacancy in the legislative body of the small city or the governing board of the eligible entity, and that the election is not consolidated with any other election. Because this bill would increase the duties of local elections officials, it would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that the Legislature finds there is no mandate contained in the bill that will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to these constitutional and statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 4004 is added to the Elections Code, to read: 4004. (a) "Small city" means a city with a population of 100,000 or less, as determined by the annual city total population rankings by the Demographic Research Unit of the Department of Finance.

(b) "Eligible entity" means a school district or a special district.

(c) Notwithstanding Sections 1502 and 4000, an election in a small city or an eligible entity may be conducted wholly as an all-mail ballot election, subject to the following conditions:

(1) The legislative body of the small city or the governing body of the eligible entity, by resolution, authorizes the use of mailed ballots for the election.

(2) The election is a special election to fill a vacancy in the legislative body or governing body.

(3) The election is not held on the same date as a statewide primary or general election.

(4) The election is not consolidated with any other election.

(5) The return of voted mail ballots is subject to Section 3017.

SEC. 2. Pursuant to Section 17579 of the Government Code, the Legislature finds that there is no mandate contained in this act that will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to Section 6 of Article XIII B of the California Constitution and Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

